

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
EUGENE DIVISION

FILED 05 APR 12 13:58 USDJ-ORE

James Richard Vian)
Plaintiff)
Vs.)
Barack Hussein Obama II)
aka President Barack Obama)
Defendant)

Civil Case No. 6:12-cv-600-TC

**President Barack Obama has
Violated my Constitutional Liberties
By Violating His Oath of Office**

No jury trial demanded

I. PARTIES

Plaintiff

I, James Richard Vian, am a natural born citizen of these United States, born in Roseburg, Oregon on April 10, 1936, and have resided at 573 Main Street, Yoncalla, Oregon, since January 20, 2006. I am a registered voter, and have voted in local, state and national elections at every opportunity over the course of my voting eligibility years. I am a retired U.S. Navy Korean and Vietnam Veteran, having served for twenty one years active duty, being released from active duty under honorable conditions and transferred to the Naval Reserve to fulfill a total of thirty years obligation, from which I am now fully retired.

Defendant

Barack Hussein Obama II, allegedly born in Honolulu, Hawaii on August 4, 1961, has resided at 1600 Pennsylvania Avenue NW, Washington, DC, since January 20, 2009. Being found to have met the qualifications to be eligible to the Office of President under the provisions of the United States Constitution, as certified under oath before an officer of the Democratic National Committee authorized to take acknowledgments, Barack Hussein Obama II, having sworn to preserve, protect and defend the United States Constitution in his Oath of Affirmation before he entered on the Execution of his Office, is the President of these United States, being duly affirmed into Office on January 20, 2009.

II. JURISDICTION

A. The basis for federal court jurisdiction for this case is a Federal Question.

B. Article II, Section 1, Clause 8 affirms: "Before he (the President) enter the Execution of his Office, he shall take the following Oath or Affirmation: – "I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States," Article II, Section 4 of the Constitution of the United States affirms: "The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors," the First Amendment to the Constitution of the United States affirms: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for redress of grievances," and Para. 2 of the Declaration of Independence for the United States of America, declares a separation from any establishment of tyranny.

III. STATEMENT OF CLAIMS

Claim I

It is herein claimed that; the Patient Protection and Affordable Care Act (HR 3590) both surpasses and counters what is affirmed and/or protected by the Constitution in that its mandate, which requires all citizens of these United States to obtain a health insurance policy either through their employer or by private means with coverage for services and/or products as therein dictated that could be used for the contraceptive denial or termination of innocent life against their free will, is a flagrant violation of my religious conscience and is therefore a violation of my First Amendment right of religious liberty, which adjudges the Patient Protection and Affordable Care Act as unconstitutional.

Claim II

It is herein claimed that; In signing the as claimed unconstitutional Patient Protection and Affordable Care Act as enforceable law, President Barack Obama violated my religious liberty as guaranteed by the First Amendment of the United States Constitution, and by so doing, violated his oath of office to preserve, protect and defend the Constitution of the United States, which is the Supreme Law of the Land.

Claim III

The Patient Protection and Affordable Care Act mandates that free citizens must obtain a health insurance policy with coverage for services and/or products as therein dictated against the exercise of their free will and/or their religious conscience, or be subject to criminal charges and/or penalties if they don't comply. It is herein claimed that, when President Barack Obama signed the Patient Protection and Affordable Care Act into law, and assumed the power to enforce the aforementioned mandate as decreed by that law, against my free will because it violates my religious conscience; his was an act of tyranny, only enabled by his violation of his Oath of Office to preserve, protect and defend he Constitution of the United States.

Claim IV

It is also herein claimed that; President Barack Hussein Obama has violated his oath of office a second time in exactly the same manner, in that he also signed into law the funding for Planned Parenthood Federation of America clinics as well as for International Planned Parenthood Federation facilities in various other nations with my taxpayer dollars, which as reasoned by my religious conscience is the use of my taxpayer dollars for the denial or murderous termination of innocent life, more than 300,000 per year in the USA alone, and as such is a flagrant violation of my religious conscience as protected in my right of religious liberty as guaranteed by the First Amendment of the United States Constitution.

IV. RELIEF

In summary, President Barack Obama signed legislation into law that requires me to obtain a health insurance policy either through my employer or by private means with coverage for services and/or products as therein dictated that may deny or murderously terminate the life of an innocent unborn, and also signed into law a provision for funding Planned Parenthood Federation of America clinics and for International Planned Parenthood Federation facilities in other nations with the use of my taxpayer dollars for the denial and/or murderous termination of innocent life. As reasoned by my religious conscience, both are violations of my First Amendment religious liberty and in so doing, President Barack Obama violated his oath of office to preserve, protect and defend my First Amendment religious liberties.

Also, since the legislation he signed into law mandates that I adhere to the dictates of that legislation against my free will and/or in violation of my religious conscience, or be charged with criminal charges and/or penalties if I don't comply, that same law is then an act of tyrannical oppression enabled by his violation of his Oath of Office. There is no crime including treason or bribery that surpasses the offense of violating one's oath of office to preserve, protect and defend the United States Constitution, which is the Supreme Law of the Land. Therefore, any act of violating one's oath of office must be adjudicated as an impeachable "high crime."

It is agreed that "The House of Representatives....shall have the sole Power of Impeachment," and "The Senate shall have the sole Power to try all Impeachments." Hence, relief in this complaint is not an actual act of Impeachment; the first relief sought is that this complaint be litigated as a challenge to the House of Representatives to investigate the viability of this redress of grievances, which is based upon the act of violating one's oath of office being defined as an impeachable "high crime" as cited.

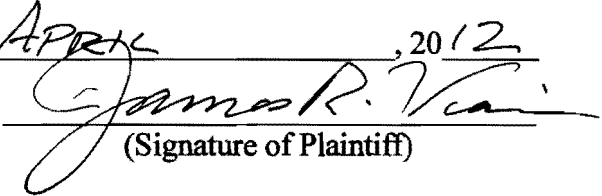
As thereby determined, if the House does not commence impeachment proceedings against President Barack Obama, and the Senate of these United States does not find the violations of his oath of office, as cited above, as impeachable high crimes, and remove him from office, that will imply that there is no violation of sufficient offense that any person holding any office under the United States can be convicted for, because there is no higher crime than one's violation of his or her Oath of Office.

The second relief sought, is that the Patient Protection and Affordable Care Act, be arbitrated on the grounds as to whether or not it violates my First Amendment liberty and if adjudged in violation, it be found as unconstitutional. As thereby found to be unconstitutional, if the Patient Protection and Affordable Care Act is left to stand, and President Barack Obama is permitted to

remain in office, he and all future Presidents may use this as precedent to assume tyrannical power and continue on a path of ever increasing governmental control with even greater violations of our Constitutional liberties.

Finally, if the House or Senate, or even this Court, does not fulfill its constitutional obligation to arbitrate the herein redress of grievances against the conduct of President Barack Obama, to make determination as to whether he has committed "Treason, Bribery, or other high Crimes and Misdemeanors," they too then are to be held liable for violating their Oath of Office to "preserve, protect, and defend the Constitution of the United States."

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 5 day of APRIL, 2012

(Signature of Plaintiff)